

1 SEP 18 AM 10:24

BEFORE THE ARIZONA BOARD
OF PHYSICAL THERAPY

In the Matter of:

Carol Dickman, PT

License No. 4210

Complaint No. 14-30

**CONSENT AGREEMENT
AND ORDER**

CONSENT AGREEMENT

RECITALS

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona Board of Physical Therapy ("Board") and consistent with the public interest, statutory requirements and responsibilities of the Board and pursuant to A.R.S. § 41-1092.07(F)(5) and A.R.S. § 32-2001 *et seq.*, Carol Dickman, PT (Respondent), holder of license number 4210 to work as a physical therapist in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (Consent Agreement) as the final disposition of this matter.

1. Respondent has read and understands this Consent Agreement as set forth herein, and has had the opportunity to discuss this Consent Agreement with an attorney or has waived the opportunity. Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding the expense and uncertainty of an administrative hearing.

2. Respondent understands that she has a right to a public administrative hearing concerning each and every allegation set forth in the above-captioned matter, at which administrative hearing she could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent freely and voluntarily relinquishes all rights to such an administrative hearing, as well as all rights of rehearing, review,

1 reconsideration, appeal, judicial review or any other administrative and/or judicial action,
2 concerning the matters set forth herein. Respondent affirmatively agrees that this
3 Consent Agreement shall be irrevocable.

4 3. Respondent agrees that the Board may adopt this Consent Agreement or
5 any part of this agreement, under A.R.S. § 32-2047 (7). Respondent understands that the
6 Board may consider this Consent Agreement or any part of it in any future disciplinary
7 action against him.

8 4. Respondent understands that this Consent Agreement does not constitute a
9 dismissal or resolution of other matters currently pending before the Board, *if any*, and
10 does not constitute any waiver, express or implied, of the Boards statutory authority or
11 jurisdiction regarding any other pending or future investigation, action or proceeding.

12 5. All admissions Respondent makes in this Consent Agreement are made
13 solely for the final disposition of this matter, and any related administrative proceedings
14 or civil litigation involving the Board and Respondent.

15 6. By agreeing to allow the Board to impose the discipline ordered herein,
16 Respondent acknowledges that the Board has evidence from which it could impose
17 discipline under A.R.S. § 32-2047.

18 7. Respondent acknowledges and agrees that, upon signing this Consent
19 Agreement and returning this document to the Board, Respondent may not revoke
20 acceptance of the Consent Agreement or make any modifications to the document. Any
21 modification to this original document is ineffective and void unless mutually approved
22 by the parties in writing.

23 8. Respondent understands that the foregoing Consent Agreement shall not
24 become effective unless and until the Board adopts it and the Board President signs it.

1 9. Respondent understands and agrees that if the Board does not adopt this
2 Consent Agreement, Respondent will not assert as a defense that the Board's
3 consideration of it constitutes bias, prejudice, prejudgment or other similar defense in any
4 future disciplinary action.

5 10. Respondent understands that this Consent Agreement is a public record that
6 may be publicly disseminated as a formal action of the Board. Respondent further
7 understands that this Consent Agreement may be considered by the Board in determining
8 disciplinary sanctions in future cases.

9 11. Respondent understands that any violation of this Consent Agreement
10 could be grounds for further disciplinary action by the Board. A.R.S. § 32-2044 (1).

11
12 9.17.2014

13 **DATED**

14
15 Carol Dickman PT
16 Carol Dickman, PT
17 Respondent

18
19 **FINDINGS OF FACT**

20 12. The Arizona Board of Physical Therapy is that body politic created and
21 empowered pursuant to A.R.S. §32-2001 *et seq.* to administer the laws of the State of
22 Arizona relating to the practice of physical therapy.

23 13. Respondent holds License No. 4210 for working as a physical therapist in
24 the State of Arizona.

25 14. Ms. Dickman engaged in the practice of performing dry needling through
26 clothing starting in July 2013.

 15. Ms. Dickman was aware that the practice of dry needling through clothing
resulted in substandard practice.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CONCLUSIONS OF LAW

16. The Board has jurisdiction over this matter pursuant to A.R.S. § 32-2001, *et seq.* and the rules promulgated by the Board relating to the practice of physical therapy.

17. The conduct and circumstances as stated in the above Findings of Fact constitute a violation of A.R.S. §32-2044(1) ("Violating this chapter, board rules or a written board order").

18. The conduct and circumstances as stated above constitute a violation of A.R.S. §32-2044(4) Engaging in the performance of substandard care by a physical therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.

19. The conduct and circumstances as stated above constitute a violation of A.R.S. §32-2044(12) Failing to adhere to the recognized standards of ethics of the physical therapy profession.

ORDER

Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED AS FOLLOWS:

DECREE OF CENSURE

20. Based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED the Board issues a **Decree of Censure** against Carol Dickman, P.T., License No. 4210 in relation to Respondent's findings of substandard care and violation of ethics when she engaged in the application of dry needling through patients clothing. This Decree may be considered by the Board in determining appropriate sanctions in the event a subsequent violation occurs. This Decree of Censure shall be effective on the date of entry below.

1
2
3 This Order shall be effective as of the date of entry below.
4

5 DATED this 31st day of October, 2014.
6

7 **ARIZONA BOARD OF**
8 **PHYSICAL THERAPY**
9

10 *Lisa Akers PMS*
11

12 _____
13 Lisa Akers, PT, M.S.
14 Board President

15 ORIGINAL of the foregoing filed this 31st day of October, 2014 with:
16 Arizona Board of Physical Therapy
17 4205 North 7th Avenue, Suite 208
18 Phoenix, AZ 85013

19 COPY of the foregoing mailed this 31st day of October, 2014 to:

20 **Ms. Carol Dickman, PT**
21 **2341 North Chrysler Drive** # 7012 1640 0001 6968 1013
22 **Tucson, AZ 85716**

23 **Mona Baskin, Assistant Attorney General**
24 **1275 W. Washington, CIV/LES**
25 **Phoenix, AZ 85007**
26 **Attorney for the Board**

By: *[Signature]*